

HB54 INTRODUCED



1 HB54
2 RBVVZYY-1
3 By Representative Hollis
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 05-Nov-25



4 SYNOPSIS:

5 Existing law does not allow a pregnant woman
6 sentenced to incarceration to defer her sentence until
7 after the birth of her child.

8 This bill would adopt the Alabama Women's
9 Childbirth Alternatives, Resources, and Education
10 (CARE) Act to provide that if a woman is admitted to a
11 jail, she must inform the individual conducting her
12 initial intake medical screening if she is pregnant or
13 suspects she may be pregnant and would require the
14 woman to be assessed for pregnancy with a urine
15 pregnancy test within three days of her initial intake
16 medical screening, unless she declines the testing.

17 This bill would require a woman who tests
18 positive for pregnancy to be released on bail, provided
19 that the court determines that the woman does not pose
20 a significant threat to herself or others.

21 This bill would provide that, if a woman is
22 pregnant at the time she is sentenced to incarceration,
23 the court shall include a term of pre-incarceration
24 probation to be served until 12 weeks after the woman
25 gives birth, provided that the court determines that
26 the woman does not pose a significant threat to herself
27 or others.

28 This bill would allow any pre-incarceration term



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of probation to be credited to the woman's sentence and would require any pre-incarceration term of probation to be served with certain electronic supervision and without payment of any fines.

This bill would require a woman serving a pre-incarceration term of probation to report the loss of her pregnancy to her probation officer and would give the court discretion as to when she should self-surrender following the pregnancy loss.

This bill would also require a woman serving a pre-incarceration term of probation to self-surrender 12 weeks after the birth of her child and would provide that failure to surrender is a Class A misdemeanor.

A BILL

TO BE ENTITLED

AN ACT

Relating to incarceration; to adopt the Alabama Women's Childbirth Alternatives, Resources, and Education Act; to provide for the pregnancy testing of certain women after admission to a jail; to provide for the supervised pre-incarceration probation of a pregnant woman in certain circumstances; to provide for the self-surrender of a woman serving a pre-incarceration term of probation 12 weeks after the birth of her child; to provide for criminal penalties for failure to surrender; and to provide procedures for a woman to



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57 follow if she loses her pregnancy while on pre-incarceration
58 probation.

59 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

60 Section 1. This act shall be known and may be cited as
61 the Alabama Women's Childbirth Alternatives, Resources, and
62 Education (CARE) Act.

63 Section 2. (a) Upon the admission of each woman a jail,
64 the individual conducting the initial intake medical screening
65 shall ask the woman whether she is pregnant or suspects that
66 she may be pregnant. If the woman is pregnant or suspects she
67 may be pregnant, the woman shall be given a urine pregnancy
68 test within three days of her initial intake medical
69 screening, unless the woman declines testing. The results of
70 the pregnancy test shall be used solely for the purpose of
71 determining pregnancy.

72 (b) If a woman given a pregnancy test pursuant to
73 subsection (a) tests positive for pregnancy, the result shall
74 be reported to the court and the county health department.
75 After receiving the report of the positive pregnancy test, the
76 court shall release the woman on bail, provided that the court
77 determines that the pregnant woman does not pose a significant
78 threat or danger to herself, to any person, to the community,
79 or to any property in the community.

80 Section 3. (a) (1) At the time of sentencing, when a
81 pregnant woman has been sentenced to a term of imprisonment,
82 the court shall include a term of probation that shall be
83 served pre-incarceration, provided that the court determines
84 that the pregnant woman does not pose a significant threat or



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85 danger to herself, to any person, to the community, or to any
86 property in the community.

87 (2) The court shall allow a pregnant woman to be
88 supervised on a pre-incarceration term of probation for the
89 length of her pregnancy and for 12 weeks after the birth of
90 her child.

91 (3) The court shall order a woman released pursuant to
92 this act to surrender herself to the Department of
93 Corrections, the county jail, or the municipal jail, as
94 applicable, 12 weeks after the birth of her child.

95 (b) The failure of a woman serving a pre-incarceration
96 term of probation to surrender herself to the Department of
97 Corrections, the county jail, or the municipal jail, as
98 ordered by the court, after the birth of her child is a Class
99 A misdemeanor.

100 (c)(1) The court shall not assess any fines, fees,
101 restitution, or probation fees during a pre-incarceration term
102 of probation served under this section.

103 (2) Supervision for a pre-incarceration term of
104 probation shall be conducted by phone or other electronic
105 communication.

106 (3) The court's jurisdiction during a pre-incarceration
107 term of probation shall be the same as set forth in Chapter 22
108 of Title 15 of the Code of Alabama 1975.

109 (d) Time served in a pre-incarceration term of
110 probation pursuant to this section shall be credited to the
111 woman's sentence or disposition.

112 (e) A pregnant woman serving a pre-incarceration term



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of probation shall maintain perinatal health care, treatment, and assessments and participate in education and resource programs to the extent that they are available in her community.

(f) A pregnant woman serving a pre-incarceration term of probation shall report any pregnancy loss to her probation officer within 72 hours of the loss. The court shall have discretion to determine when a woman who loses a pregnancy during a pre-incarceration term of probation shall surrender herself to the Department of Corrections, the county jail, or the municipal jail.

Section 4. This act shall become effective on October 1, 2026.